

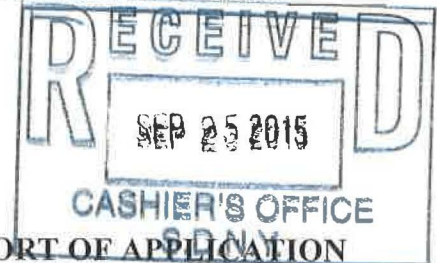
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

15 MISC 312

In re Application of YVES BOUVIER
and MEI INVEST LTD. for an Order Pursuant to
28 U.S.C. § 1782 to Conduct Discovery for Use
in Foreign Proceedings.

Civil Action No. 15 Misc.



**DECLARATION OF DANIEL W. LEVY IN SUPPORT OF APPLICATION
AND PETITION FOR AN ORDER PURSUANT TO 28 U.S.C. § 1782**

DANIEL W. LEVY, pursuant to Title 28, United States Code, Section 1746, declares
under the penalty of perjury:

1. I am an attorney licensed to practice law in the State of New York and admitted to
practice before this Court. I am principal in the law firm of McKool Smith P.C. and counsel of
record for Yves Bouvier ("Bouvier") and MEI Invest Ltd. ("MEI") (collectively, the
"Petitioners").

2. I make this Declaration in support of the Application and Petition of Bouvier and
MEI for an Order pursuant to 28 U.S.C. § 1782 to conduct discovery for use in foreign
proceedings.

3. Attached hereto as Exhibit A are proposed subpoenas seeking testimony and the
production of documents and things from Respondents Sanford Heller, The Heller Group LLC,
and Sanford Heller Fine Art LLC.

4. Attached hereto as Exhibit B is a true and correct copy of the Judgment of the
Court of Appeal of Singapore, dated August 21 2015, in *Accent Delight Int'l Ltd. and Xitrans
Finance Ltd. v. Bouvier, MEI Invest Ltd., and Rappo*, Civil Appeal No. 80 of 2015 (Court of
Appeal of the Republic of Singapore).

5. Attached hereto as Exhibit **C** is a true and correct copy of a criminal complaint, dated January 9, 2015, lodged by Accent Delight and Xitrans in Monaco, together with an English translation prepared on behalf of Accent Delight International Ltd. (“Accent Delight”) and Xitrans Finance Ltd. (“Xitrans”).¹

7. Attached hereto as Exhibit **D** is a true and correct copy of a letter, dated February 27, 2015, sent on behalf of Accent Delight and Xitrans to an investigating magistrate in Monaco, together with an English translation prepared on behalf of Accent Delight and Xitrans.

5. Attached hereto as Exhibit **E** is a true and correct copy of a submission to the Court of Appeal in Monaco filed in *Dossier JI No. Cab1/15/04, PG n°2015/000039* (Principality of Monaco) (“Monaco Criminal Proceeding”), together with a translation prepared on behalf of Bouvier.

6. Attached hereto as Exhibit **F** is a true and correct copy of a statement made by Dmitry Rybolovlev (“Rybolovlev”) to Monaco police officials on February 2, 2015, together with a translation prepared on behalf of Accent Delight and Xitrans.²

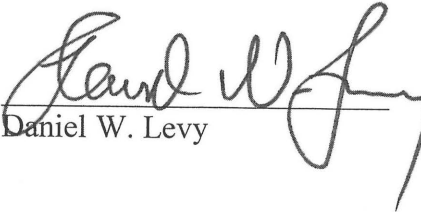
7. Attached hereto as Exhibit **G** is a true and correct copy of a letter from Sanford Heller, dated January 22, 2015, and a letter from Steven A. Cohen, dated January 22, 2015, both of which concern a work of art sold by Cohen and both of which were adduced by Accent Delight and Xitrans in proceedings in Singapore. Based on my review of the website of the New York Secretary of State, I am aware that the address for service of process listed for both The

¹ Petitioners rely on translations of various French language documents prepared on behalf of Accent Delight and Xitrans (Exhs. C, D, F) solely for the purposes of this Application and Petition. The Court need not resolve any disputes about the accuracy of these translations in ruling on this Application and Petition.

² In the Monaco Criminal Proceeding, Bouvier has contested the manner in which Rybolovlev’s statement was made to Monaco police officials. The Court need not resolve this dispute in ruling on this Application and Petition.

Heller Group LLC and Sanford Heller Fine Art LLC is 745 5th Avenue, 4th floor, New York, New York 10151, which is in this District. Based on my review of information obtained from database searches, I am aware that Heller maintains a residence in Manhattan.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 24, 2015, at New York, New York.


Daniel W. Levy